IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

TUESDAY, THE 28TH NOVEMBER 2006 / 7TH AGRAHAYANA 1928

WP(C).No. 28978 of 2006(Y)

PETITIONER:

DIVAKARAN, S/O.KARAPPAKKUTTY,
AGED 64 YEARS, PATHYALA HOUSE,
MULLASSERY VILLAGE, THRISSUR DISTRICT.

BY ADV. SRI.P.RAMACHANDRAN

RESPONDENTS:

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1. MULLASSERI GRAMA PANCHAYATH,
REP. BY ITS SECRETARY,
MULLASSERI, THRISSUR DISTRICT.

2. THE SECRETARY TO GOVERNMENT,
DEPARTMENT OF LOCAL SELF GOVERNMENT,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.

BY G.P. SRI.MATHEW G.VADAKKAL

BY ADV. SRI.N.RAGHURAJ
SMT.K.AMMINIKUTTY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 28/11/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C.KURIAKOSE, J.

W.P.(C)NO. 28978 of 2006

Dated this 28th day of November, 2006

JUDGMENT

Sri.N.Raghuraj, the learned Standing Counsel for the respondent Panchayat submits that the petitioner has an effective alternative remedy against the impugned resolution. Sri.P.Ramachandran, the learned counsel for the petitioner would submit that on a previous occasion, the request of the first respondent was turned down by the Government and the petitioner's only request is that he also be heard before the Government takes a decision on the application for sanction for prosecution submitted by the first respondent Panchayat.

2. Having regard to the submissions made at the bar before me, I am of the view that if the 2nd respondent has not already taken a decision on the application submitted by the first respondent Panchayat for sanction for prosecution, the petitioner also can be given an opportunity. Accordingly, the writ petition will stand disposed of with the following directions:-

The 2nd respondent Government will hear the petitioner also before taking a decision on the application for sanction for prosecuting the petitioner submitted by the first respondent, if the Government has not so far taken a decision. The petitioner is permitted to produce a copy of this judgment before the 2nd respondent Government and the Government will do the needful thereupon as directed above.

PIUS C.KURIAKOSE
Judge

dpk